

EXHIBIT Q



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 070153

Introduced March 1, 2007

Councilmembers Reynolds Brown and Ramos

**Referred to the
Committee on Public Health and Human Services**

AN ORDINANCE

Amending Title 6 of The Philadelphia Code, entitled "Health Code," by adding a new section requiring that chain restaurants obtain and display certain nutrition information for food, meal and beverage items offered for sale, and by making certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 6 of The Philadelphia Code is hereby amended to read as follows:

TITLE 6. HEALTH CODE.

CHAPTER 6-100. GENERAL PROVISIONS.

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§6-102. Definitions.

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(6.1) Chain Restaurant. A restaurant or similar retail food establishment located in the City, that is identified with a chain having ten (10) or more locations (whether located in the City or elsewhere) and is doing business under the same trade name, regardless of the type of ownership of each individual restaurant. "Similar retail food establishment" includes, but is not limited, to convenience stores, delis, bakeries, cookie counters, ice cream shops and coffee shops.

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§6-308. Menu Labeling Requirements. Chain restaurants shall provide nutrition information for all food, meal and beverage items offered for sale as follows:

(1) The total number of calories, grams of saturated fat (including trans fat), grams of carbohydrates and milligrams of sodium, per serving, shall be listed for all food, meal and beverage items listed on any menu or menu board;

(2) Such information shall be listed adjacent to each item on the menu or menu board in a size and typeface similar to other information about each menu item;

(3) For chain restaurants using only menu boards, nutrition information for every item listed on a menu board shall also be provided, in writing, to customers immediately upon request, and that policy shall be stated in clear and conspicuous typeface on every menu board;

(4) Every menu and menu board shall include, at the bottom, in clear and conspicuous typeface, a statement of the current U.S. Food and Drug Administration recommended limits for a 2,000 calorie daily diet for grams of saturated fat (including trans fat) and milligrams of sodium. Any other written nutrition information provided to customers shall likewise include such statement;

(5) A chain restaurant that provides a salad bar, buffet line, cafeteria service, or similar self-service arrangement may limit the nutrition information provided for self-service items to the total number of calories per standard serving item, provided that the additional information required by subsection (1) shall be readily available, in writing, to customers upon request;

(6) Any chain restaurant that makes deliveries in wrappers or boxes shall provide the nutrition information required by subsections (1) and (4) on each wrapper and box and shall list such information in a clear and conspicuous manner;

(7) Nutritional Analyses. Nutrition information must be based upon analytic methods and express nutrient content in a manner consistent with the Uniform Food, Drug, and Cosmetic Act and regulations implementing that Act. A label is out of compliance with the Act if the label declaration is more than 20% lower than nutrient analysis shows as the content of the menu item;

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(8) For menu items that come in different flavors and varieties but that are listed as a single item, such as soft drinks, ice cream, pizza, and doughnuts, the median value for calories or other nutrients for all flavors or varieties shall be listed if the calorie or other nutrient values for all flavors or varieties are within 20% of the median. If the calories or other nutrient values are not within 20% of the median, then the range for all the flavors or varieties shall be listed from the lowest to the highest value. If an item that comes in different varieties is on display with a name placard or similar signage, the calories per serving as-offered-for-sale shall be listed on the placard along with the name. If a menu item is not on display, nutrition information for each individual flavor or variety shall be provided by means of an in-store brochure, booklet, kiosk, or other device that is easily accessible to customers. Signage shall alert customers to the availability of such information.

(9) Exceptions. Chain restaurants shall not be required to display nutrition information for:

(a) Items such as specials that appear on menus for less than thirty (30) days per year; and

(b) Condiments and other items placed on the table or counter for general use without charge.

(10) Penalties. A violation of this section shall be punishable by a fine of five hundred dollars (\$500).

SECTION 2. This ordinance shall take effect one hundred eighty (180) days after enactment.

Explanation:

Italics indicate new matter added.